

**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**  
**OFFICE OF CONSERVATION AND COASTAL LANDS**  
**Honolulu, Hawaii**

180-Day Exp. Date: May 13, 2006

April 28, 2006

**Board of Land and  
Natural Resources  
State of Hawaii  
Honolulu, Hawaii**

**REGARDING:** Conservation District Use Application (CDUA) OA-3271  
for a Single Family Residence (SFR) & Related  
Improvements  
Variance to Lot's Setback (Joint Lot Development)

**APPLICANT:** Wendla L. Liljestrand

**LANDOWNER:** Wendla L. Liljestrand Trust

**LOCATION:** Tantalus, island of Oahu

**TMKs:** (1) 2-5-017:006 & 018

**AREA OF PARCELS**      006    11,169 ft<sup>2</sup>  
                                 018    11,326 ft<sup>2</sup>

**USE:** 3,4870 ft<sup>2</sup>

**SUBZONE:** Resource

**DESCRIPTION OF AREA AND CURRENT USE**

The proposed 22,495-ft<sup>2</sup> project site consists of two contiguous parcels located along the heavily wooded area of Round Top Drive and Tantalus Drive. Parcel 006 fronts Tantalus Drive and is on the northwest side of parcel 018. What appears to be an abandoned road bisects parcel 018. Lots to the north, northeast and southwest contain single-family dwellings. Private vacant land and Manoa valley beyond lies to the southeast. Parcel 006 lies entirely within the Resource subzone of the Conservation District. Parcel 018 appears to lie within the Resource and Limited subzone of the Conservation District. The delineation between the two subzones appears to be at the 11360-foot elevation for this particular parcel (**Exhibit 1, 2, & 3**).

The surface elevations of the subject area rise from Round Top Drive at about 1,360 feet to a peak of 1,410 feet where there is a large broad flat area, and then the property slopes down again to 1,360 feet along the Forest Reserve/Manoa valley side of the property. The proposed house site, is about 50 feet above the street elevation and is set back about 90-100 feet away from Round Top Drive.

The property doesn't contain any structures and is heavily vegetated with shrubbery, tall grasses and a number of mature trees. Single-family residences have been an established use in this area for over a hundred years (**Exhibit 4 & 5**).

Primary access to the subject area is from Round Top Drive, a two-lane asphalt road with no shoulders owned and maintained by the City & county of Honolulu. Electricity may be provided via overhead lines. Telephone and cable services are available. The subject property does not have municipal water or sewer services.

According to the applicant, native birds that may be found in the vicinity include Apapane, Amakihi, and more rarely the State listed endangered Pueo. The Federally listed endangered Hawaiian Hoary Bat and the Threatened Newell's Shearwaters may fly over the area, but no reports exist due to the cryptic habits of these species. Several species of seabirds may also fly over the site such as Tropicbirds and terns. Common introduced birds and the Barn Owl are likely present in the area as well.

The property is lushly covered with tall grass, mature trees (including koa), and shrubs. Common plants found in the Tantalus area such as ginger, ti and staghorn fern are also located on the property. No rare, threatened or endangered species of flora and fauna are known to exist within the project site area.

Trails in the general vicinity of the project site include the Puu Ohia Trail, Crater Rim Trail, Manoa Cliff Trail and the Pu'u Ohia flats Trail. No known historical, archaeological or Native Hawaiian cultural resources are anticipated to be found at the project site.

The deeds for the lots describe "view easements" which relate to maintaining scenic views of the valley and mutual setback easements with the adjacent property located on 2-5-017:012 & 007 which prohibits the construction of any residence within 20 feet of the boundary line. Staff notes it is the landowner's responsibility to observe and abide by the deed restrictions.

## **PROPOSED USE**

According to the applicant, the overall goal is to place the residence appropriately on the site so that it appears that the house has always been there. The house will be constructed so as to create minimal disturbance to the existing environment, vegetation and natural topography. The owner wishes to retain the natural vegetation and the existing 'wild-growth' feeling of the site. No formal landscaping is proposed.

Due to the slope and the natural configuration of the property's topography, the proposed location for the SFR is at the most broad, flat level portion of the lots. This proposed location places the proposal on the boundary line of parcel 006 & 018. The applicant is requesting deviation from the requirements of a 15-foot setback from lot lines as the proposal places the SFR on the adjoining lot lines. According to the applicant, the proposed location of the residence does not require any grading, cut or fill. The house structure will sit atop posts set in concrete.

The proposed residence is designed as a two story 2 bedroom, 2.5 bathroom house with a deck and garage totaling  $\approx 3480$  ft<sup>2</sup> of floor area. Deck areas in excess of 4 ft in width have been counted as floor area. There will be folding doors between the livingroom/kitchen and master bedroom area on the second floor so that the roofed indoor/outdoor living area can be opened or enclosed. This design creates privacy between the living/kitchen area and the master bedroom area by physically separating these two spaces with an enclosed indoor/outdoor living area in between, while maximizing the number of exterior walls so that more windows can be provided to give the residence the feeling of literally being surrounded by the outdoors (**Exhibit 6, 7, 8 & 9**).

According to the applicant, the west side of the first floor contains a one-car garage, an entryway, a stairway to the second floor, one bedroom, 1.5 bathrooms, and a equipment room for utilities. The east side of the first floor contains the master bathroom, laundry room and second stairway to the second floor. The west side of the second floor contains the living room, kitchen and pantry. The east side of the second floor contains the master bedroom and a study. The west and east side of the structures are connected by one roof.

A private driveway will be constructed with access directly off of round Top Drive. The driveway will be  $\approx 120$  ft long and 12 ft wide. Approximately 1.5 feet of soil or 80 yd<sup>3</sup> yards will be removed from the site (cut) and approximately 55 yd<sup>3</sup> of imported barrow structural fill will be imported for the drive way. The driveway will be made of 6-inch deep poured concrete. The layout of the driveway will attempt to follow closely the natural topography and contours of the property.

In addition,  $\approx 30$  yd<sup>3</sup> will be cut for the septic tank/wastewater facility. The proposed residence will have a 1250-gallon septic tank with a 400 ft<sup>2</sup> leach field. The wastewater system will meet the State Department of Health requirements. Two 10000-gallon water cisterns are also proposed. The applicant will ensure the joint lot proposal will conform to all Single Family Residence Standards as stated in Chapter 13-5 of Exhibit 4 of the Hawaii Administrative Rules and all applicable City and County of Honolulu building codes.

It is not anticipated that the proposed residence will be visible from the public trails. The house will be screened by the existing trees and vegetation that are along the rear of the property (Manoa side). It is anticipated that the house will not be visible from Round Top Drive nor will the proposed house impact other residents' views in the vicinity. The

ridge opposite (Waahila) the subject property is not accessible to the public so it is believed that public views will not be impacted.

Because the project site is on the boundary of two lots of record, it is impossible for the house to have front and rear yard setbacks from that common property line. The applicant had originally considered consolidating the two parcels. However an abandoned road leading to State land bisects parcel 018 and this road noted as TMK (1) 2-5-017:015 has various unlisted owners. Rather than consolidating the parcels, the applicant is requesting a deviation from the requirements for a SFR regarding a minimum 15-foot setbacks from the lot's boundaries. According to the applicant, the deviation will significantly reduce the amount of cut and fill and the need to grade. A restrictive covenant shall be incorporated into the deed instrument to describe the joint lot development. Site characteristics and lot shape may be a factor in adjusting minimum setbacks when so determined by the Board.

### *Alternatives to the proposed action*

Under the "No-Action" alternative, the Applicant would abandon the proposed project and the area would remain vacant land. This alternative deprives the Applicant of the reasonable use of their property.

### **SUMMARY OF COMMENTS**

The application was referred to the following agencies for their review and comment: the **State:** Department of Health; Office of Hawaiian Affairs; Office of Environmental Quality Control; Department of Land and Natural Resources Divisions of: Conservation and Resource Enforcement, Engineering, Forestry and Wildlife, Oahu District Land Office, Historic Preservation; and the **City and County of Honolulu:** Department of Planning & Permitting; the Makiki/Punchbowl/Tantalus Neighborhood Board and the Tantalus community Association. In addition, the application and Environmental Assessment were also sent to the nearest public library, the Hawaii State Library, to make this information readily available to those who may wish to review it.

Responses were received and have been summarized from the following agencies:

#### STATE OF HAWAII

##### OFFICE OF ENVIRONMENTAL QUALITY CONTROL (OEQC)

1. The First Floor Deck. When comparing figures, there seems to be a discrepancy with respect to the area of the first floor deck. We believe that the first floor deck is not zero square feet, but a minimum of 14 feet x 22 feet and the date should be revised to reflect this increase in total floor area for the proposal.
2. Landscaping with native and Indigenous Plants. Please consider landscaping with native and indigenous drought-tolerant plants appropriate to the area. New

vegetation should be cleared with DLNR to ensure that such vegetation is both non-decorative and non-invasive.

*Applicant's response*

1. All deck area on the 1<sup>st</sup> floor is 4 feet wide or less. The deck surrounds only 3 sides of the west wing and connects the west side to the east side. There is no deck surrounding the east side of the 1<sup>st</sup> floor.
2. The proposed project intends to retain as much of the existing lush vegetation as possible. The owner will consider landscaping with native and indigenous plants that are drought-tolerant and those that are appropriate to the relatively wet climate of Tantalus. New landscaping will be coordinated with DLNR as required.

OFFICE OF HAWAIIAN AFFAIRS (OHA)

Should the project go forward, should iwi or native Hawaiian cultural or traditional deposits be found during ground disturbance, work will cease, and the appropriate agencies will be contacted pursuant to applicable law.

*Applicant's response*

In the unlikely event that any iwi or native Hawaiian cultural or traditional deposits are encountered, the owner will be responsible to ensure that all work stops and immediate archaeological consultation will be sought with the DLNR/SHPD in accordance with applicable regulations.

DEPARTMENT OF LAND AND NATURAL RESOURCES

*Conservation and Resource Enforcement*

No comments

*Engineering*

Please take note that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Flood Zone X. The National Flood Insurance Program does not have any regulations for developments within Zone X.

*Applicant's response*

We acknowledge and note your comments.

*Forestry and Wildlife*

No comments

*Oahu District Land Office*

No comments

**ANALYSIS**

After reviewing the application, by correspondence dated November 17, 2005, the Department has found that:

1. The proposed use is an identified land use in the Resource subzone of the Conservation District, pursuant to §13-5-24, Hawaii Administrative Rules (HAR), R-8, SINGLE FAMILY RESIDENCE, (D-1), " A single family residence that conforms to design standards as outlined in this chapter." Please be advised, however, that this finding does not constitute approval of the proposal;
2. Pursuant to §13-5-40 of the HAR, a Public Hearing will not be required;
3. In conformance with Chapter 343, Hawaii Revised Statutes (HRS), as amended, and Chapter 11-200, HAR, a finding of no significant impact to the environment (FONSI) is anticipated for the proposed project;
4. By documentation dated June 30, 2005, the City and County of Honolulu has determined that the proposed project is not within the Special Management Area.

In addition, a FONSI to the environment was published in the February 23, 2006 Environmental Notice.

The following discussion evaluates the merits of the proposed land use by applying the criteria established in Section 13-5-30, HAR.

1. *The proposed land use is consistent with the purpose of the Conservation District.*

The objective of the Conservation District is to conserve, protect and preserve the important natural resources of the State through appropriate management and use to promote their long-term sustainability and the public health, safety, and welfare.

The project is considered an identified land use in the subject area of the Conservation District; as such, it is subject to the regulatory process established in Chapter 183C, HRS and detailed further in Chapter 13-5, HAR. Single Family residences have been an established use on Tantalus for over a century. All

proposed improvements shall be constructed in the Resource subzone of the Conservation District.

2. *The proposed land use is consistent with the objectives of the subzone of the land on which the use will occur.*

The objective of the Resource subzone is to develop, with proper management, areas to ensure sustained use of the natural resources of those areas. A Single Family Residence is an identified land use pursuant to HAR, §13-5-24, R-8, SINGLE FAMILY RESIDENCE (D-1) A single family residence that conforms to design standards as outlined in Chapter 13-5, HAR. Because the project area is within an established neighborhood and shall conform to design stands set forth in 13-5, HAR, Staff believes the proposed land use is consistent with the objectives of the subzone.

3. *The proposed land use complies with provisions and guidelines contained in Chapter 205, HRS, entitled "Coastal Zone Management," where applicable.*

The project site is not located within the Special Management Area. Staff believes the proposed project complies with provisions and guidelines contained in Chapter 205, HRS regarding Coastal Zone Management.

4. *The proposed land use will not cause substantial adverse impacts to existing natural resources within the surrounding area, community, or region.*

Staff believes the proposed land use will not cause substantial adverse impacts to existing natural resources within the surrounding area, community or region. There may be short-term adverse effects on the surrounding area associated with construction activities such as potential noise and air quality.

5. *The proposed land use, including buildings, structures and facilities, shall be compatible with the locality and surrounding area, appropriate to the physical conditions and capabilities of the specific parcel or parcels.*

Staff is of the opinion that the proposed project will be compatible with the locality and surrounding areas and is appropriate to the physical conditions and capability of the specified parcels.

Staff believes that the proposed residence will not be visible to the public along trails or along Round Top Drive nor will the proposed house impact other residents' views in the vicinity. The applicant wishes to retain all existing mature tree growth.

6. *The existing physical and environmental aspect of the land, such as natural beauty and open space characteristics, will be preserved or improved upon, which ever is applicable.*

The existing physical environment of the area is a steep and wooded area surrounding the proposed SFR. Although a structure will exist where no structure existed before, the applicant will take appropriate steps to mitigate potential impacts to enhance the subject parcel. The proposed project is intended to blend visually with the hillside and it is believed there shall be no view impacts to the public or the neighbors.

7. *Subdivision of the land will not be utilized to increase the intensity of land uses in the Conservation District.*

No subdivision of land is proposed for this project.

8. *The proposed land use will not be materially detrimental to the public health, safety and welfare.*

Other than potential short-term nuisances and safety issues associated with construction there are no materially detrimental public health, safety or welfare concerns foreseen for this project.

## DISCUSSION

The proposed improvements are within the well-established neighborhood of Tantalus. The applicant wishes to construct one Single Family dwelling on two lots of record. The joint development of the property would result in a more efficient use of land. Upon approval, the applicants shall submit an agreement that binds themselves and their successors in title or lease, individually and collectively, to maintain the pattern of development. Upon approval, the agreement, which shall be part of the conditions of the permit, shall be filed as a covenant running with the land in the deed instrument.

This variance should not impact the neighboring residents nor the general public's view planes as the SFR is setback 87 ft from Round Top Drive, 25 ft and 15 ft from the side lot boundaries and 71 ft from the rear. In addition, the applicant wishes to retain all mature tree growth. Construction of one SFR on two lots of record shall decrease the density of development for the proposed site.

Staff visited the subject parcel on April 13, 2006. Staff noted an alternate access to the subject area has been blocked due to the heavy rain damage of March 2006. Staff is concerned that the proposed work for the SFR may hinder traffic to the neighborhood due to the road closure on the Makiki side of Tantalus. Until this road is reopened and operational at its former capacity, Staff believes that no heavy machinery, heavy equipment or heavy delivery of construction material should be allowed to the site as it may impede access to the neighborhood.



Staff noted the steep topography to the site. According to the applicant's consultant, due to the topography of the area, work on the driveway may be done manually to mitigate the steep topography. Final construction plans should include best management practices, which shall be implemented during the construction phase to mitigate potential erosion and runoff.

### **RECOMMENDATION:**

Based on the preceding analysis, Staff recommends that the Board of Land and Natural Resources APPROVE this application for a Joint Lot Development of a Single Family Residence as described in CDUA OA-3271 located at Tantalus, Honolulu, island of Oahu, TMK: (1) 2-5-017:006 & 018 subject to the following conditions:

- 1) The applicant shall comply with all applicable statutes, ordinances, rules, regulations, and conditions of the Federal, State and County governments;
- 2) The applicant, its successors and assigns, shall indemnify and hold the State of Hawaii harmless from and against any loss, liability, claim or demand for property damage, personal injury or death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit;
- 3) The applicant shall comply with all applicable Department of Health administrative rules;
- 4) No heavy machinery, heavy equipment or heavy delivery of construction material shall be allowed to the site until the Makiki side of Tantalus/Round Top Drive is fully functional and operating at its former capacity;
- 5) The single-family dwelling shall not be used for rental or any other commercial purposes unless approved by the Board;
- 6) All mitigation measures set forth in the application materials, and in the final environmental assessment for this project are hereby incorporated as conditions of the permit;
- 7) The applicant shall plan to minimize the amount of dust generating materials and activities. Material transfer points and on-site vehicular traffic routes shall be centralized. Dusty equipment shall be located in areas of least impact. Dust control measures shall be provided during weekends, after hours and prior to daily start-up of project activities. Dust from debris being hauled away from the project site shall be controlled. Landscaping and dust control of cleared areas will be initiated promptly;
- 8) Any work done on the land shall be initiated within one year of the approval of such use, and unless otherwise authorized be completed within three years of the

approval. The applicant shall notify the Department in writing when construction activity is initiated and when it is completed;

- 9) Before proceeding with any work authorized by the Board, the applicant shall submit four (4) copies of the construction and grading plans and specifications to the Chairperson or his authorized representative for approval for consistency with the conditions of the permit and the declarations set forth in the permit application. Three (3) of the copies will be returned to the applicant. Plan approval by the Chairperson does not constitute approval required from other agencies;
- 10) The applicants shall submit an agreement that binds themselves and their successors in title or lease, individually and collectively, to maintain the pattern of development. This agreement shall be filed as a covenant running with the land in the deed instrument;
- 11) The applicant shall provide documentation (i.e. book/page document number) that this approval has been placed in recordable form as a part of the deed instrument, prior to submission for approval of subsequent construction plans;
- 12) The applicant will minimize visual impacts using appropriate lighting, house color and landscaping. Existing trees shall be maintained to screen the structure from the surrounding lands. No mature trees shall be removed without the approval of the Department;
- 13) In issuing this permit, the Department has relied on the information and data that the applicant has provided in connection with this permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings;
- 14) Should historic remains such as artifacts, burials or concentration of charcoal be encountered during construction activities, work shall cease immediately in the vicinity of the find, and the find shall be protected from further damage. The contractor shall immediately contact SHPD (692-8015), which will assess the significance of the find and recommend an appropriate mitigation measure, if necessary;
- 15) The applicant understands and agrees that this permit does not convey any vested rights or exclusive privilege;
- 16) Potable water supply and sanitation facilities shall have the approval of the appropriate agencies;

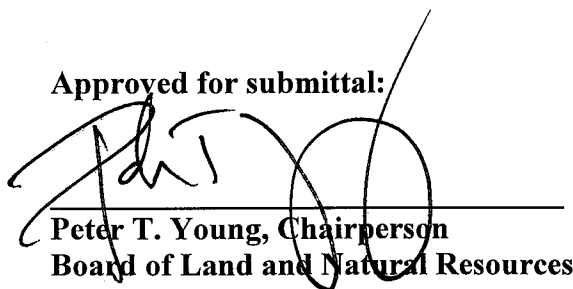
- 17) Where any polluted run-off, interference, nuisance, or harm may be caused, or hazard established by the use, the applicant shall be required to take measures to minimize or eliminate the polluted run-off, interference, nuisance, harm, or hazard;
- 18) During construction, appropriate mitigation measures and best management practices shall be implemented to minimize impacts to the off-site roadways, utilities, and public facilities;
- 19) Cleared areas shall be re-vegetated within thirty days of the completion of construction;
- 20) Obstruction of public roads, trails, and pathways shall be minimized. If obstruction is unavoidable, the applicant shall provide roads, trails, or pathways acceptable to the department;
- 21) The single-family residence shall conform to the single-family residential standards included as Exhibit 4 of the Hawaii Administrative Rules, Title 13-5;
- 22) Other terms and conditions as may be prescribed by the Chairperson; and
- 23) Failure to comply with any of these conditions shall render this Conservation District Use Permit null and void.

Respectfully submitted,



K. Tiger Mills, Staff Planner  
Office of Conservation and Coastal Lands

Approved for submittal:

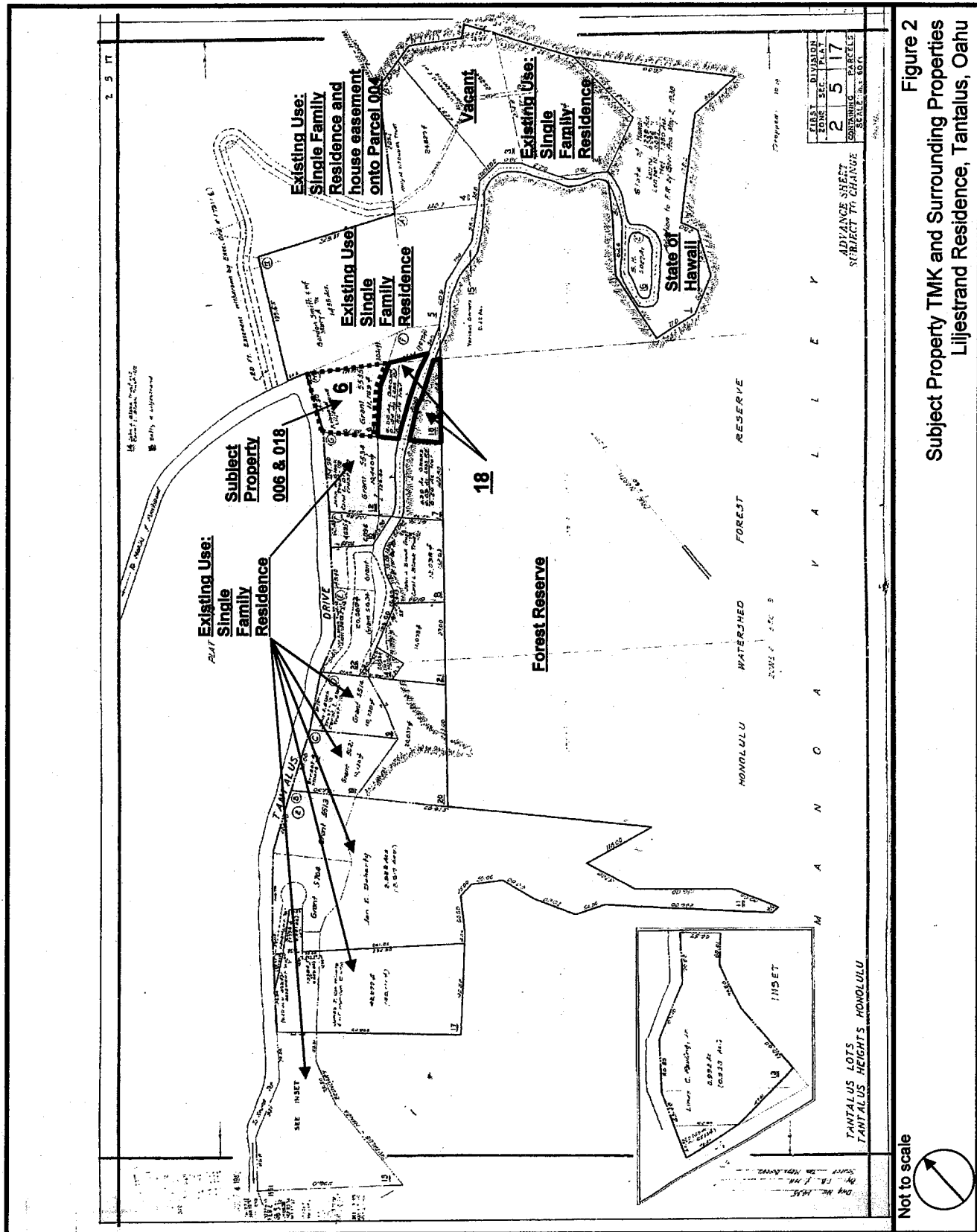


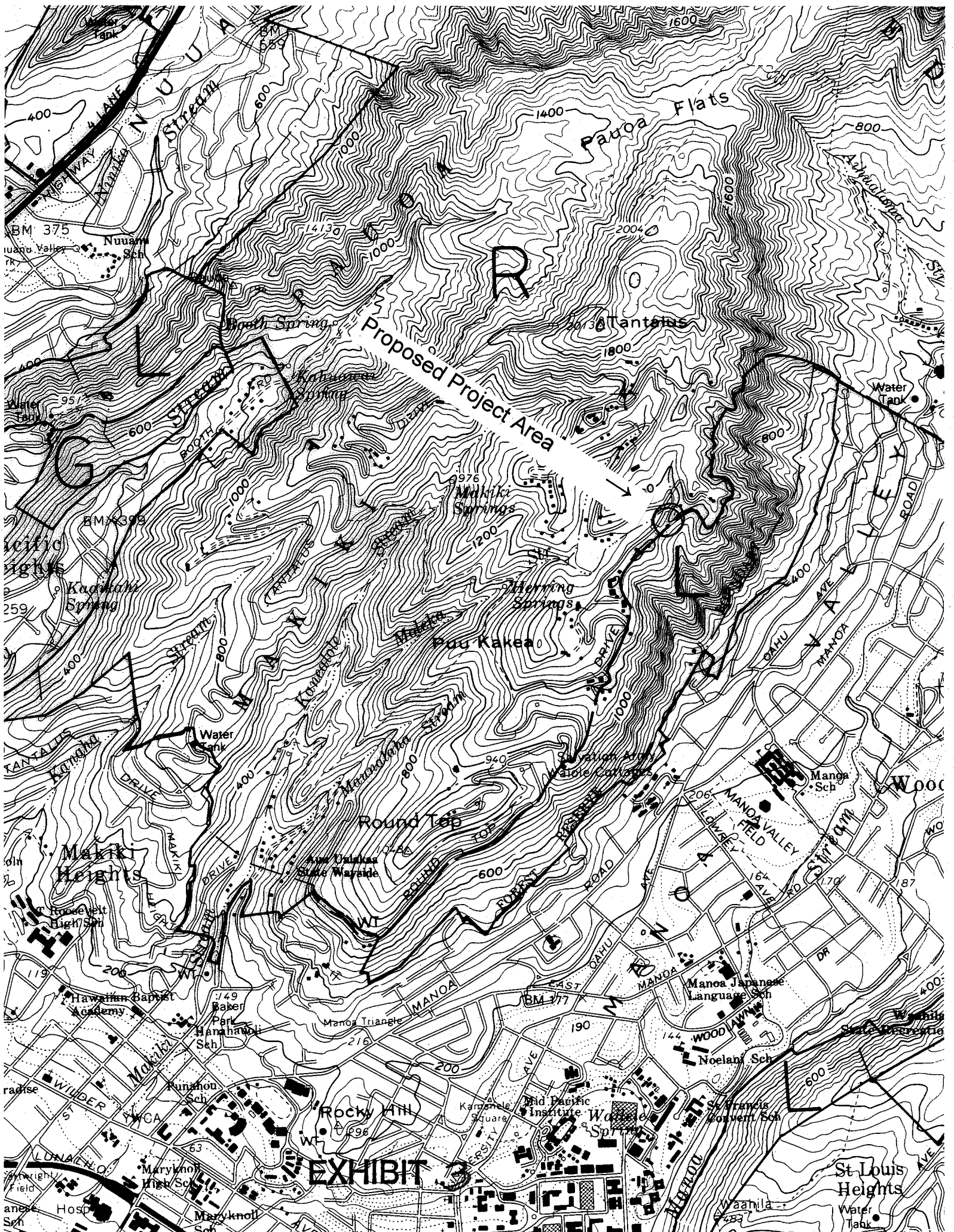
Peter T. Young, Chairperson  
Board of Land and Natural Resources

[illegible]

**EXHIBIT 1**











View of Approximate House Site -- level area  
Round Top Drive, TMK 2-5-17: 006 and 018, Tantalus, Oahu, Hawaii



SUBJECT AREA

EXHIBIT 5



© 2006 Europa Technologies

Image © 2006 DigitalGlobe

Google

Pointer 21°19'30.61" N 157°48'44.62" W elev 1110 ft

Streaming ||||| 100%

Eye alt 2462 ft

REVISIONS	BY

RESIDENCE FOR WENDY LILJESTRAND  
PLOT PLAN

DATE 5-22-85  
SCALE 1" = 10'  
DRAWN HJ  
JOB 605  
SHEET  
C-1  
OF 1

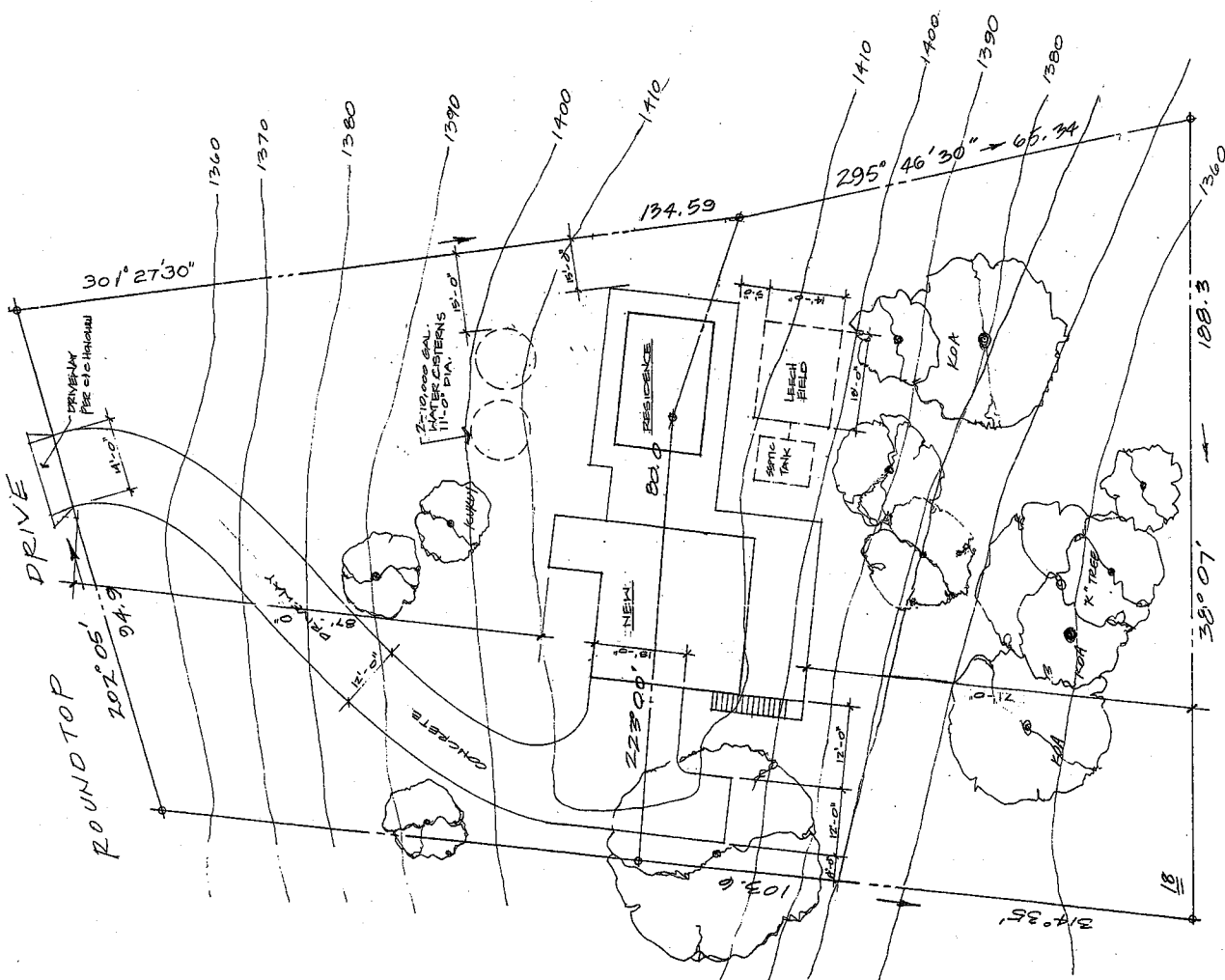
# SHEET INDEX

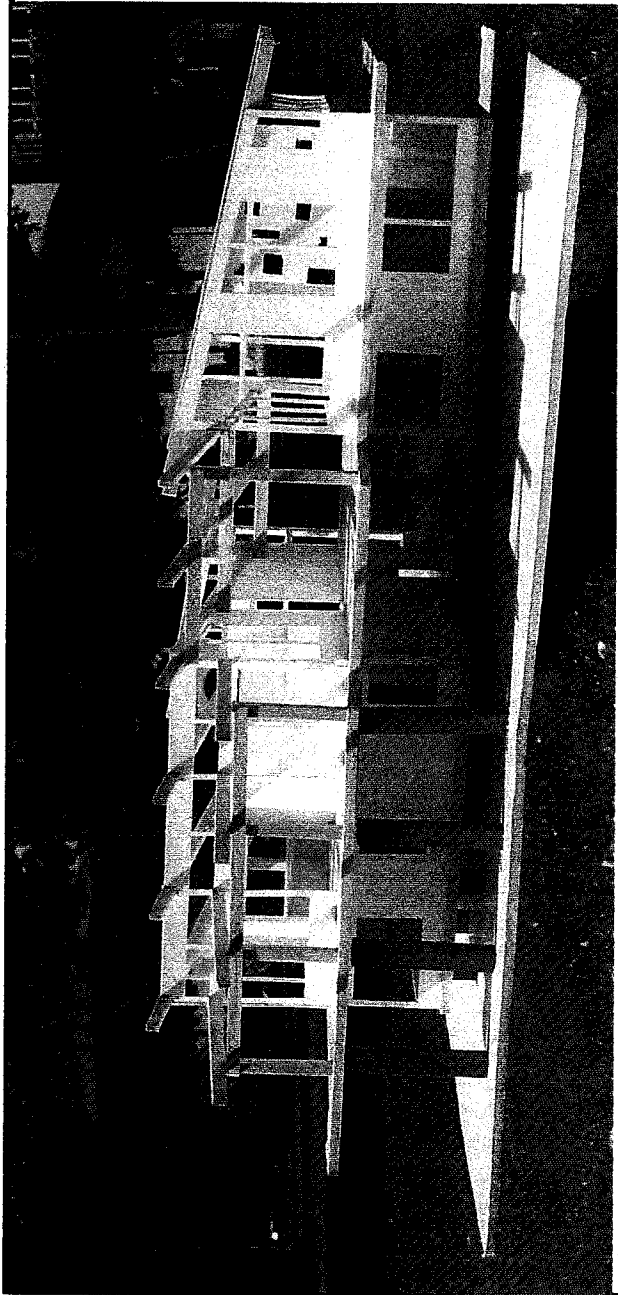
SHEET	DESCRIPTION
C-1	PLOT PLAN, SHEET INDEX
A-1	FIRST FLOOR PLAN INT. ELEVATIONS
A-2	SECOND FLOOR PLAN
A-3	RIGHT SIDE ELEVATION, LEFT SIDE ELEVATION
A-4	FRONT ELEVATION, REAR ELEVATION
A-5	BUILDING SECTIONS
A-6	ROOF FRAMING PLAN
A-7	SECOND FLOOR FRAMING PLAN
A-8	FIRST FLOOR FRAMING & FOUNDATION
A-9	DOOR & WINDOW SCHEDULE

## AREA CALCULATIONS

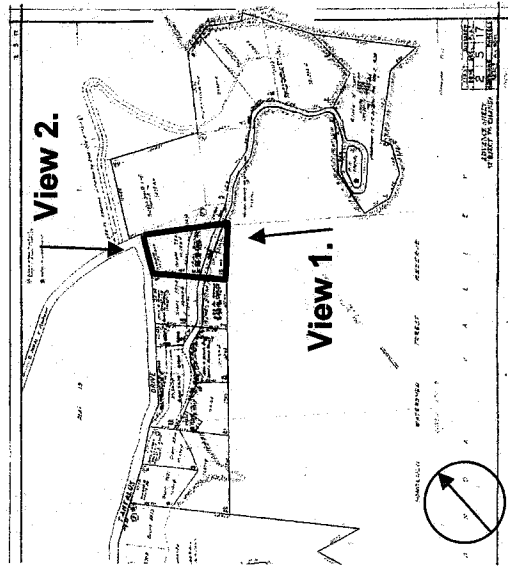
INTERIOR LIVING AREA	- 2,341
DECK	- 800
GARAGE	- 259
TOTAL BLDG AREA	- 3,400
TOTAL LOT AREA	- 22,495

PLOT PLAN  
SCALE: 1" = 10'  
TMK: 2-5-217:006 - 11,169 S.F.  
TMK: 2-5-217:018 - 11,326 S.F.

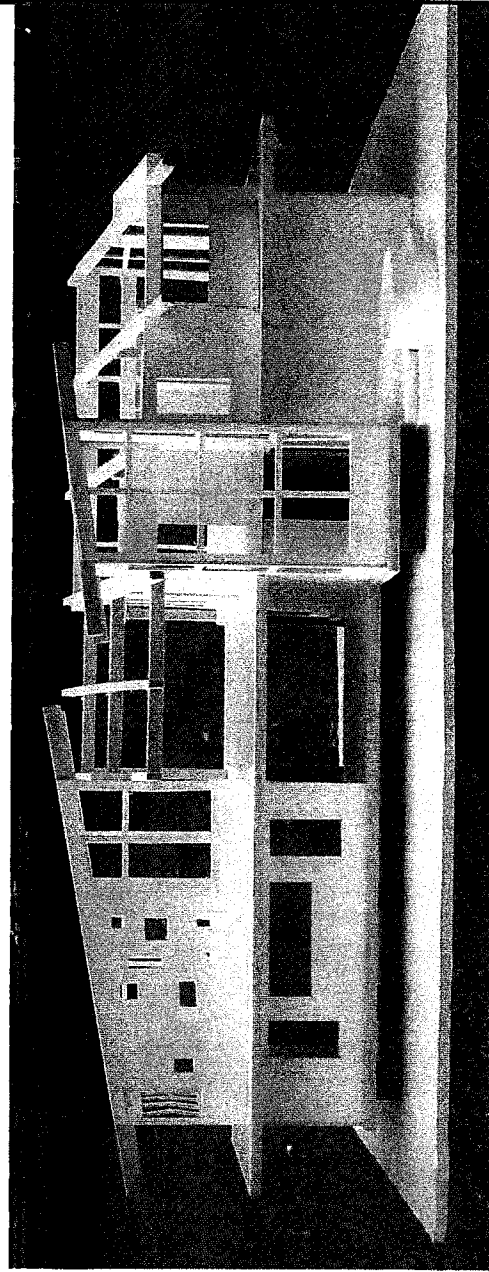




**View 1.** Looking at rear of the house. The living room/kitchen in on the left and the master bedroom is on the right. Connected by a single roof with an indoor/outdoor living area in between with folding doors (not shown) to enclose the space.



North Arrow



**View 2.** Looking at front of the house. The living room/kitchen in on the right and master bedroom is on the left. Connected by a roofed indoor/outdoor living area with folding doors (not shown).

## FIGURE 6

Photos of House Model

Round Top Drive, TMK 2-5-17: 006 and 018, Tantalus, Oahu, Hawaii

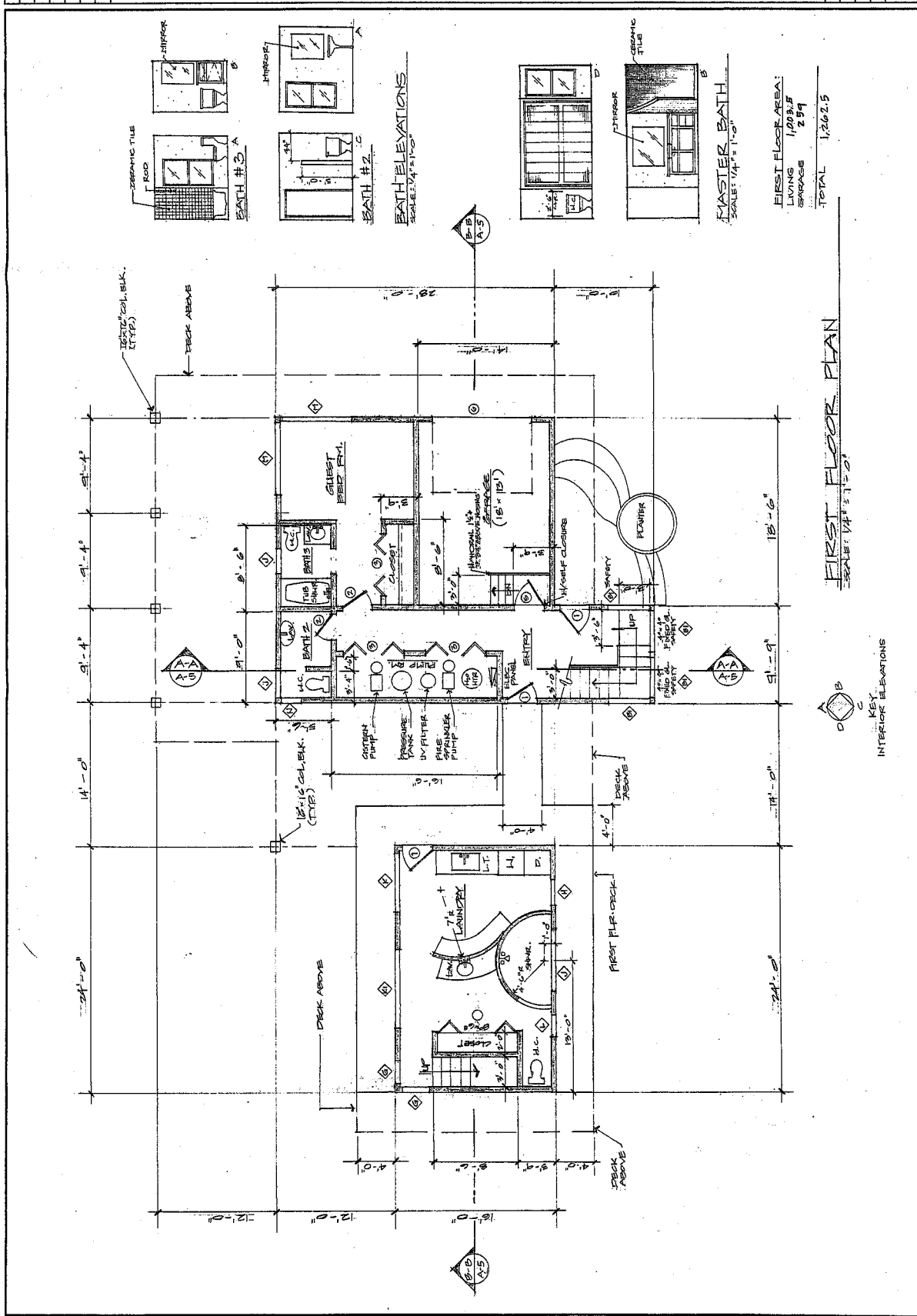


EXHIBIT 8

# EXHIBIT 9

